



POLICY IN CASES OF HARASSMENT

MAGDALENE COLLEGE CAMBRIDGE

ISSUED BY THE GOVERNING BODY OF MAGDALENE COLLEGE

Registered Charity Number 1137542

NOTE: In cases of harassment raised by a student (or students) about another student (or students), this policy is *replaced* by the Magdalene College Guidance on, and Procedures for Handling Cases of Harassment or Sexual Misconduct Raised by One Student (or Students) about another Student (or Students). Students should refer to this policy available at: <http://www.magd.cam.ac.uk/policies-and-procedures/>

BRIEF ADVICE IN THE CASE OF AN EMERGENCY

What should you consider if you feel you are being harassed?

1. Can you get to a safe place?
2. Would it be a good idea to talk to someone?
3. Do you need medical help or advice?
4. Do you need to inform the police?
5. Do you need time to think things through? Or do you need to do something straightaway?

Who can you talk to?

- YOUR TUTOR
- ONE OF THE COLLEGE HARASSMENT OFFICERS:

Dr Hugo Azérad Tel: (College) 01223 (7)68578 email: ha205@cam.ac.uk

Dr Elizabeth Howell Tel: (College) 01223 (7)64589 Email: ejh86@cam.ac.uk

OTHER SOURCES OF HELP WITHIN THE COLLEGE

The Senior Tutor - Dr Stuart Martin, tel: (College) 01223 (3)32150

The Dean - Dr Antje du Bois-Pedain, tel: (College) 01223 (3)32109

The College Nurse - Mrs Taryn Rothwell, tel: (College) 01223 (3)30205

JCR Welfare and Equal Opportunities Officer (jcr-welfare@magd.cam.ac.uk)

MCR Welfare Officer (mcr.welfare@magd.cam.ac.uk)

See also Appendix: Sources of Advice and Help

MAGDALENE COLLEGE POLICY IN CASES OF HARASSMENT

PREFACE

- **This policy applies to cases of harassment raised with respect to College staff (academic and non-academic).**
 - **In cases of harassment raised by one student (or students) about another student (or students), this policy is *replaced* by the Magdalene College Guidance on, and Procedures for Handling Cases of Harassment or Sexual Misconduct Raised by One Student (or Students) about another Student (or Students). Students should refer to this policy available at: <http://www.magd.cam.ac.uk/policies-and-procedures/>**
1. The College is a community dedicated to the pursuit of education and learning in an atmosphere of tolerance, friendship and harmony. Harassment - that is, conduct which any reasonable person would consider offensive or intimidating - is incompatible with the ethos and functioning of this community of individuals regardless of gender, nationality, ethnic origins, sexual orientations and physical abilities. Whatever its form, it is wholly unacceptable. It can be a great source of stress and, if serious or unrelenting, may well lead to a person wishing to withdraw from any community where it occurs.
 2. The College is committed to ensuring the effectiveness of its equal opportunities policy and to maintaining learning and working environment free from all forms of harassment and unfair discrimination, whether or not they are unlawful. The College will therefore regard harassment as a serious matter; and, whenever it proves necessary to do so, the College will take action against any behaviour (or any incitement to such behaviour) which could reasonably be regarded as offensive or intimidating to any of its resident members.

WHAT CONSTITUTES HARASSMENT?

3. Harassment is conduct which any reasonable person would consider offensive or intimidating. It may take many forms, of which the commonest are racial and sexual harassment, as specifically described in this document. It may sometimes be best described simply as bullying. Any act which creates an intimidating, hostile or offensive atmosphere or environment for the person to whom it is directed, or who may reasonably feel affected by it, is liable to cause offence, even if this is not intended.
4. Harassment can be by a person or people in a position of authority. Those who are in authority should be aware of their position and should take particular care not to abuse it in any way.
5. There is racial harassment when a hostile or offensive act or expression refers or relates to the racial or ethnic origin of the person against whom it is directed. Such behaviour includes derogatory name-calling, insults, racist graffiti, and other verbal abuse ranging from belittling remarks or ridicule of an individual or group, to threats of physical attack.
6. There is sexual harassment when unwanted, threatening, humiliating, offensive or patronizing behaviour towards a person emphasizes that person's gender, marital status or sexual orientation. It may, therefore, range from belittling or suggestive remarks and compromising invitations, to persistently confronting or following a person about, aggressively foul language, unwanted physical contact or demands for sex, or displays of sexually explicit or degrading material, as well as of any act which would, in law, amount to an indecent assault or rape.
7. In all cases of harassment or of bullying, the defining features are that the behaviour is offensive or intimidating to the person to whom it relates (or is directed), and would be so regarded by any reasonable person.

THE COLLEGE'S POLICY ON HARASSMENT

8. It is the College's policy to take any incident of harassment very seriously. It will be ready in suitable cases to offer help and advice in mediating between those concerned so that, if possible, reconciliation may be effected. But it will also take disciplinary action whenever this is appropriate.
9. Complaints of harassment will be considered as quickly as possible and, provided it is both agreed and appropriate, through one of the informal or formal procedures outlined in this statement.
10. Several senior members of the College have experience of dealing with complaints of harassment. They will be available to offer advice and information, as required, both to those making a complaint and to those complained against. They will treat all complaints in confidence, but they will, if requested by the complainant and where this is appropriate, seek to resolve complaints by negotiation with those complained against.
11. Complaints of harassment may often be resolved informally in consultation with the complainant. Harassment may well, however, contravene some or all of the College Rules, Statutes, or the College's Dignity at Work and Study Policy and may, therefore, be the subject of disciplinary action against individuals or bodies. In more serious cases where neither of the procedures (formal or informal) outlined below is wholly appropriate, a tutor or other advisor might recommend that the complainant refer the matter to the police. The complainant may themselves decide that referring the matter to the police is the correct way forward.
12. When the College is considering a formal complaint involving harassment, those dealing with the matter will be advised by, or will include in their membership, a person or persons with experience in dealing with these matters.
13. Since untrue complaints may be damaging to the College community and to the person complained against, disciplinary proceedings in accordance with the College Statutes may be taken against a person who makes a complaint of harassment knowing it to be untrue. A person making an untrue complaint may

also expose themselves to legal proceedings for defamation.

14. During the investigation of any complaint, the College will do everything it can to ensure that the work and social life of those involved remain unaffected, and that experienced people are available, if required, to provide support and advice to anyone in need of it.

WHAT TO DO IF YOU ARE HARASSED

15. If you consider that you are being harassed you should study carefully the advice given below. It is important not to allow the behaviour to continue to a point where it becomes intolerable. By taking action early it is often possible to minimize the harmful effects of harassment, and to effect reconciliation. If you feel that you are being subjected to harassment in any form, do not feel that it is your fault or that you have to tolerate it. In the event of a physical assault (see paragraph 17), you may need to consider any time-constraints on taking action, for example, in the event that physical evidence might be available.
16. If you feel that you are being harassed -
 - (i) You may feel able to speak about the behaviour to the person or persons who are causing the offence. You may decide to explain to them that their behaviour is unacceptable to you, and ask that it should stop. At this or at any later stage that may be necessary you may find it helpful to have support from a friend or adviser in the action that you decide to take. You may consider this course of action even if you have, individually or as a member of a group, already sought advice as outlined in the next sub-paragraph.
 - (ii) If speaking to the person concerned does not resolve the matter, or if you prefer not to take this course, you may in the first instance like to discuss the problem informally with one of the College's Harassment Officers or with an appropriate member of the MCR or JCR Committee. Any discussion will be confidential, and further action involving you will not be taken without your express permission. You may be advised to keep a record of the details of any incidents which distress you (or your group),

including a note of any ways in which the incidents have led you to change the pattern of your work or social life. If you decide to discuss the matter with your Tutor or a Harassment Officer, he or she will make a written statement of what is said at the meeting and will give you a copy. You may ask your Tutor or a Harassment Officer to seek to resolve the matter informally on your behalf, or to help you make a formal complaint in the way described in paragraphs 20-22 below.

17. If you should suffer a physical assault, you may be shocked and upset, but it is important that you should seek help immediately. In particular you are advised to report a physical attack to the Duty Porter (if the attack takes place in College), to the Police, and/or your Tutor and/or to one of the College's Harassment Officers. Any one of the suggested contacts on the attached list (appendix) will willingly give you support. You need not go alone to speak to any of them, unless you wish to do so. The foregoing advice applies equally if you have been sexually assaulted or raped. In such a case you should seek medical help and advice immediately. Information on locally available advice and help for people who are the victims of sexual assault or rape is provided in the appendix to this policy document. Again, support from your Tutor and/or the College's Harassment Officers will be readily available to you if you ask for it. It should be noted that if criminal proceedings are initiated, anyone whom you choose to confide in (College Officer or friend) may be obliged by the courts to disclose information received in confidence.

Advice and Help

Remember that at any stage you can ask for advice and support from any of the people referred to in the Appendix.

INFORMAL RESOLUTION PROCEDURE

Complaint against a Fellow

18. Where a complainant asks a Tutor or a Harassment Officer to seek informally to resolve an issue of harassment that involves a Fellow or Fellows, the Tutor or Harassment Officer will inform the Master that a complaint has been made, stating the identities of the complainant and the Fellow or Fellows concerned, but giving no details of the complaint. The Master will then invite a senior member of the University who may, but need not, be a member of the College ('the Negotiator'), to act in the matter. The Negotiator will approach the person or persons against whom the complaint has been made. He or she will inform that person or persons that a complaint has been made and will ask whether he, she or they would like to discuss the matter with him or her, with a view to seeing whether it can be resolved informally; making it clear that there is no obligation to agree to this. The Negotiator will say that if it proves impossible to resolve the issue in this way the complainant may decide to proceed to a formal complaint. Should that occur, any informal discussion that may have taken place will be treated as strictly confidential. Nothing that was said at it by any party will be made known to those who have to deal with the formal complaint, and the Negotiator will take no part in the latter.

Complaint against a member of staff

19. Where a complainant asks a Tutor or a Harassment Officer to seek informally to resolve an issue of harassment that involves a member or members of staff, the Tutor or Harassment Officer will inform the Assistant Bursar that a complaint has been made, stating the identities of the complainant and the member or members of staff concerned, but giving no details of the complaint. The Assistant Bursar will then invite a Bursar from another Cambridge College ('the Negotiator'), to act in the matter. The Negotiator will approach the person or persons against whom the complaint has been made. He or she will inform that person or persons that a complaint has been made and will ask whether he, she or they would like to discuss the matter with him or her, with a view to seeing whether it can be resolved informally; making it clear that there is no obligation to agree to this. The Negotiator will say that if it proves impossible to resolve the issue in this way the complainant may decide to proceed to a formal complaint. Should that occur, any informal discussion that may have taken place will be treated as strictly confidential. Nothing that was said at it by any party will be made known to those who have to deal

with the formal complaint, and the Negotiator will take no part in the latter.

PROCEDURE IN CASES OF A FORMAL COMPLAINT

20. If

- (a) a complainant feels that the situation cannot be resolved informally, or
- (b) an attempt to do so is undertaken in accordance with the informal resolution procedure but proves unsuccessful, or
- (c) the behaviour does not stop or resumes after a request that it should cease, then the complainant may decide to make a formal complaint. This will then be dealt with in accordance with paragraph 20 to 22.

Note that the fact that the complainant may not have previously sought advice from a Tutor or a College Harassment Officer will not be treated as constituting consent to the harassment, nor will it prejudice any formal complaint that may be made. Where the complainant is a junior member of the College and wishes to receive assistance in pressing a complaint, their Tutor will arrange for this.

Complaint against a Fellow

21. If a formal complaint is made against a Fellow, a College Officer or a member of the academic staff of the College, it will be dealt with in accordance with Statute XXIX of the College Statutes, as appropriate, save that if any Fellow has previously been involved in the matter, they will take no part in it.

Complaint against a member of staff

22. If a formal complaint is made against a member of staff of the College, it will be dealt with in accordance with the Disciplinary Procedure in the Staff handbook.

Notice to the person complained of

23. If any complaint of harassment leads to the initiation of disciplinary proceedings, in the case of junior members the appropriate College Officer (normally, the Tutor concerned); in the case of a Fellow, the “Negotiator”; or in the case of a member of staff, the HR Manager, will ensure that the person(s) complained against receive(s) a clear

account in writing of the allegations. Representation, in any form that is reasonably required, will be allowed at all stages of these proceedings.

ACTION TO TAKE IF A COMPLAINT HAS BEEN MADE AGAINST YOU

If you are a Fellow

24. If a complaint has (or is believed to have) been made against you as a Fellow, you should inform the Master and seek his advice. He will nominate a senior member of the University who may, but need not, be a member of the College, to advise you. If a complaint against you has been made to the police you should at once seek the advice of a solicitor.

If you are a member of staff

25. If a complaint has (or is believed to have) been made against you as a member of staff, you should inform the HR Manager and seek his or her advice as to the procedure. When a member of staff is required to attend a disciplinary hearing, they have the right to be accompanied at the hearing by a single companion as detailed in the staff handbook. If a complaint against you has been made to the police you should at once seek the advice of a solicitor.

Procedure when you are being advised

26. Any discussions in accordance with either of the two previous paragraphs will be confidential, and no one else will be approached at that stage without your express permission. You may be advised to keep a record of any dealings you have with the person who has (or is believed to have) made a complaint, and of any ways in which as a result of the complaint you have been led to change the pattern of your work or social life.

SOURCES OF ADVICE AND HELP

27. There is a wide variety of sources of help and advice for any person who considers that they are being harassed. These, with their addresses, telephone numbers and email addresses are set out in the Appendix, and they are ready to be approached at any time.

(September 2017)

APPENDIX SOURCES OF ADVICE AND HELP WITHIN THE COLLEGE

College Harassment Officers

In addition to your personal Tutor, the College's Harassment Officers for academic year 2018-2019 are:

Dr Hugo Azérad Tel: (College) 01223 (7)68578 email: ha205@cam.ac.uk

AND

Dr Elizabeth Howell Tel: (College) 01223 (7)64589 Email: ejh86@cam.ac.uk

Other sources of help

The Senior Tutor - Dr Stuart Martin, tel: (College) 01223 (3)32150

The Dean - Dr Antje du Bois-Pedain, tel: (College) 01223 (3)32109

The College Nurse - Mrs Taryn Rothwell, tel: (College) 01223 (3)30205

JCR Welfare and Equal Opportunities Officer (jcr-welfare@magd.cam.ac.uk)

MCR Welfare Officer (mcr.welfare@magd.cam.ac.uk)

SOURCES OF ADVICE OUTSIDE COLLEGE

CUSU – (Cambridge University Students' Union) website: <http://www.cusu.cam.ac.uk/contacts/#people> – main contact details: tel: (01223) 333313, or email info@cusu.cam.ac.uk

CUSU Student Advisor - advice@studentadvice.cam.ac.uk on all issues or problems relating to life at University – (01223) 746999 Advice Drop-in Sessions - Tuesdays and Thursdays, from 12pm-2pm at the Graduate Union (17 Mill Lane)

CUSU Women's Officer- womens@cusu.cam.ac.uk Linkline - tel: (01223) 367575 or (01223) 744444 LesBiGayTrans - lbgt@cusu.cam.ac.uk The Samaritans - tel: 0845 790 9090 (usual hours for callers 10.30 am to 10.00 pm).

Cambridge Rape Crisis Centre - tel: (01223) 245888 or email support@cambridgerapecrisis.co.uk. Can be contacted Wednesdays 7.00-9.30 pm, Saturdays 3.00 – 5.30 pm and Sundays 10.00 – 12.30 pm, (all other times 24 hour answering service)

University Welfare Officer - welfare@cusu.cam.ac.uk, tel: (01223) (3)32825

OTHER USEFUL INFORMATION

The University publishes a number of policies and procedures related to specific issues which may be helpful. These are available via

<http://www.admin.cam.ac.uk/offices/hr>

University policy on misconduct in research may be relevant and can be found at:

<http://www.admin.cam.ac.uk/offices/research/Research/Misconduct.aspx>

Information about University student complaint and review procedures can be found in the University Student Handbook:

<http://www.cam.ac.uk/staffstudents/studenthandbook/complaints.html>
